

REMARKS

This is in full and timely response to the non-final Office action mailed May 5, 2004. Reexamination and reconsideration in light of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-24 remain pending in the application, with Claims 1, 9, 16, and 22 being the independent claims. Claims 1, 9, 16, and 22 have been amended herein. No new matter is believed to have been entered.

Rejection Under 35 U.S.C. § 102

Claims 1-4, 9, 10, 12-18, 22, and 23 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,809,021 (Diaz et al.). This rejection is respectfully traversed.

Each of the independent claims defines an apparatus or method for supporting periodic and aperiodic transmission of data. As is clearly indicated in each of the independent claims (and supported in at least the specification and FIG. 2), a first time interval is allocated for periodic data transmission, an aperiodic data transmission time interval is dynamically assigned, and variable time slots are dynamically assigned within the aperiodic data transmission time interval for transmission of aperiodic data.

Diaz et al. relates to a multi-service switch for a telecommunications network and discloses that the switch is used to support transmission of isochronous and asynchronous data. The Office Action alleges that the isochronous data referred to in Diaz et al. is periodic data, and that the asynchronous data is aperiodic data. While not conceding the propriety of this interpretation, Applicant submits that even assuming *arguendo* that this interpretation is valid, Diaz et al. does not anticipate at least the independent claims.

Specifically, as is clearly taught at column 5, lines 47-52, Diaz et al. teaches initially allocating fixed time slots to asynchronous data, until the need for an isochronous time slot arises, at which point the necessary number of fixed time slots are reserved for isochronous transmission. This method of allocating data transmission time slots is directly opposite to the present inventive concept. Specifically, as was noted above, the independent claims clearly recite that a first time interval is allocated for periodic data transmissions, an aperiodic data

transmission time interval is assigned, and variable time slots within the aperiodic data transmission time interval are dynamically assigned for aperiodic data transmissions.

Since independent Claims 1, 9, 16, and 22 each recite at least one feature that is not disclosed in Diaz et al., this citation cannot anticipate these claims. Hence, reconsideration and withdrawal of the § 102(e) rejection is requested.

Rejections Under 35 U.S.C. § 103

Claims 11, 18, 20 and 21 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Diaz et al.. This rejection is respectfully traversed.

Applicant submits that Diaz et al., either alone or in combination with any of the citations of record, does not render at least the independent claims obvious, since the disclosure of Diaz et al. explicitly teaches away from the inventive concept of the present invention.

Conclusion

Based on the above, independent Claims 1, 9, 16, and 22 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicants submit that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

Dated: August 4, 2004

By: 

Paul D. Amrozowicz
Reg. No. 45,264
(480) 385-5060

Ingrassia Fisher & Lorenz
Customer No. 29906